

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ANTHONY HORTON,	:	
	:	
Plaintiff,	:	CIVIL ACTION
	:	
v.	:	
	:	
	:	NO. 13-3352
USA ENVIRONMENTAL	:	
MANAGEMENT, INC., et al.	:	
	:	
Defendants.	:	

**ORDER**

**AND NOW**, this 24<sup>th</sup> day of *September*, 2013, upon consideration of the Motion by Defendant USA Environmental Management, Inc. to Dismiss Count II of the Amended Complaint (Docket No. 12) and the Response of Plaintiff Anthony Horton (Docket No. 15), it is hereby **ORDERED** that the Motion is **GRANTED** and Count II of the Amended Complaint is **DISMISSED WITHOUT PREJUDICE**. Plaintiff shall have fourteen (14) days from the date of this Order to submit a Second Amended Complaint curing the pleading deficiencies set forth in the accompanying Memorandum Opinion.

It is so **ORDERED**.

BY THE COURT:

*s/ Ronald L. Buckwalter*  
RONALD L. BUCKWALTER, S.J.